

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Fredrick Horton, III,

Civil No. 16-cv-2267 (MJD/TNL)

Plaintiff,

v.

**ORDER**

Wells Fargo Bank, N.A.; Selene Finance LP;  
U.S. Bank N.A., *as Trustee for Stanwich Mortgage  
Loan Trust, Series 2012-3*; and Wilford, Geske &  
Cook, P.A.,

Defendants.

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Fredrick Horton, III, 1 Thomas Avenue South, Minneapolis, MN 55405 (pro se Plaintiff);

David R. Mortensen, Wilford, Geske & Cook, PA, 7616 Currell Boulevard, Suite 200,  
Woodbury, MN 55125 (for Defendants).

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Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated January 23, 2017 (ECF No. 28), along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that:

1. Defendants' Amended Motion to Dismiss (ECF No. 12) is **GRANTED IN PART** and **DENIED IN PART**.
2. All claims other than Count 4/Count I are **DISMISSED WITHOUT PREJUDICE**.
3. Count 4/Count I is **DISMISSED WITHOUT PREJUDICE** with respect to Selene for lack of service.
4. Count 4/Count I is **DISMISSED WITH PREJUDICE** with respect to Wells Fargo for failure to state a claim.

5. Defendants' Amended Request for Judicial Notice in Support of Defendants' Motion to Dismiss (ECF No. 15) is **DENIED WITHOUT PREJUDICE**.

Date: February 23, 2017

s/Michael J. Davis  
Michael J. Davis  
United States District Court Judge